

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:13-CV-322-BO

ANTHONY BUSSIE,)
Plaintiff,)
)
v.)
)
DEPARTMENT OF THE AIR FORCE,)
et al.,)
Defendants.)
)

O R D E R

This matter is before the Court on the Memorandum and Recommendation (“M&R”) of United States Magistrate Judge William A. Webb [DE 11] dismissing plaintiff’s complaint after frivolity review pursuant to 28 U.S.C. § 1915 (e)(2)(B). Plaintiff has not filed any objections to Judge Webb’s M&R. This matter is ripe for adjudication. The Court ADOPTS the M&R and DISMISSES plaintiff’s pro se complaint.

The Court adopts the M&R because the plaintiff not made any objections to it and because the M&R is not clearly erroneous or contrary to law. 28 U.S.C. § 636 (b)(1)(B). A complaint is frivolous if “it lacks an arguable basis either in law or fact.” *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). In making a frivolity determination, a court may designate a magistrate judge to submit proposed findings of fact and recommendations. 28 U.S.C. 636 (b)(1)(B).

A district court is only required to review an M&R *de novo* if the plaintiff specifically objects to it or in cases of plain error. *Id.*; *Thomas v. Arn*, 474 U.S. 140, 149-50 (1985). Here, the Magistrate Judge committed no plain error. The M&R properly found that the plaintiff’s

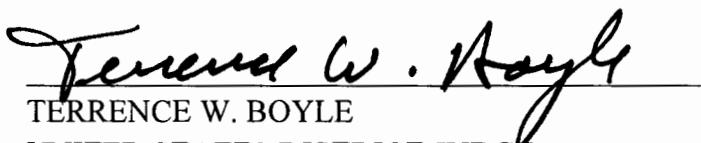
complaint did not state any coherent claims and was frivolous. As such, the Magistrate Judge properly recommended dismissal of plaintiff's complaint.

CONCLUSION

The Court ADOPTS the Magistrate Judge's recommendations [DE 11]. The plaintiff's complaint is DISMISSED. The clerk is DIRECTED to close the case.

SO ORDERED.

This the 30 day of August, 2013.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE